

PHILLIP A. TALBERT  
United States Attorney  
JASON HITT  
AARON D. PENNEKAMP  
Assistant United States Attorneys  
501 I Street, Suite 10-100  
Sacramento, CA 95814  
Telephone: (916) 554-2700  
Facsimile: (916) 554-2900  
  
Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
KENNETH CASPERS, JR.,  
  
Defendant.

NO. 2:22-MJ-0073 DB

STIPULATION TO CONTINUE INITIAL  
APPEARANCE AND ISSUE A SUMMONS; AND  
ORDER

[Fed. R. Crim. P. 4]

**STIPULATION**

Plaintiff United States of America, by and through its undersigned counsel, and defendant, by and through his undersigned counsel, stipulate and jointly request that the Court continue the initial appearance in the above-captioned matter, which is currently set for October 3, 2022, until December 5, 2022. The parties further respectfully request that a new summons be issued for the defendant for an initial appearance date on December 5, 2022, before the duty Magistrate Judge at 2:00 p.m. This stipulation is entered pursuant to Rule 4 of the Federal Rules of Criminal Procedure and is based upon the facts set forth below:

1. On May 11, 2022, the Honorable Deborah Barnes of this Court authorized the Criminal Complaint in *United States v. Caspers*, Case No. 2:22-MJ-0073 DB. In connection with this complaint, Magistrate Judge Barnes issued an arrest warrant for defendant Kenneth Caspers, Jr. pursuant to Rule 4(a).

- 1           2.     Following the issuance of this arrest warrant, law enforcement contacted Caspers.  
2                 Consistent with Rule 4(c), law enforcement explained the existence of the warrant and  
3                 discussed the charges in the warrant with Caspers. Pursuant to these discussions, law  
4                 enforcement was able to determine that Caspers' current condition requires substantial  
5                 medical assistance due to a recent motorcycle accident. The officers concluded that it  
6                 was not safe to transport Caspers to federal court in order to make an initial appearance.
- 7           3.     In anticipation of future litigation in federal court concerning the above-described  
8                 Criminal Complaint, the defendant has been represented by the undersigned defense  
9                 counsel, David Fischer. Defense counsel and counsel for the government have discussed  
10                defendant's medical condition and have agreed that his current condition continues to  
11                prevent him from being safely taken into federal custody.
- 12          4.     As a result, the parties previously jointly requested that this Court recall the arrest  
13                 warrant for defendant Kenneth Caspers and replace that warrant with a summons  
14                 pursuant to Rule 4(a), which authorizes this Court to "issue a summons, instead of a  
15                 warrant" "at the request of an attorney for the government." On August 18, 2022, this  
16                 Court granted that joint request and issued a summons for the defendant to appear on  
17                 October 3, 2022.
- 18          5.     The parties now jointly request that this hearing date be continued until a later date in  
19                 light of the defendant's ongoing medical condition, which continues to prevent him from  
20                 being safely taken into federal custody. Specifically, the parties request that the initial  
21                 appearance be continued until December 5, 2022, at 2:00 p.m. before the assigned duty  
22                 Magistrate Judge for the Eastern District of California.
- 23          6.     Moreover, the parties jointly request that this Court issue a new summons for this  
24                 continued hearing date pursuant to Rule 4(a), which authorizes this Court to issue "more  
25                 than one warrant or summons on the same complaint." This request is made without  
26                 prejudice to a future stipulation and proposed order requesting a different summons date,  
27                 depending on the circumstances surrounding the defendant's medical condition.
- 28          7.     Moreover, the parties jointly stipulate and agree that the above-described agreement to

continue the initial appearance and issue a new summons shall be without prejudice to the government making future requests and/or arguments concerning the detention of the defendant, once his medical condition has improved.

PHILLIP A. TALBERT  
United States Attorney

/s/ Aaron D. Pennekamp  
AARON D. PENNEKAMP  
Assistant United States Attorney

Dated: September 30, 2022

/s/ David Fischer  
DAVID FISCHER  
Counsel for Defendant KENNETH CASPERS, JR.

Dated: September 30, 2022

**ORDER**

The parties have jointly requested pursuant to Rule 4(a) of the Federal Rules of Criminal Procedure that the Court continue the initial appearance currently scheduled in this case and issue a new summons for the new initial appearance date.

For the reasons set forth in the parties' stipulation, IT IS HEREBY ORDERED:

1. The initial appearance on the complaint in the above-captioned case is CONTINUED until December 5, 2022; and
2. Pursuant to Rule 4(a) of the Federal Rules of Criminal Procedure, the Court will issue a new summons for defendant Kenneth Caspers, Jr. to make his initial appearance on December 5, 2022, at 2:00 p.m. in Sacramento before the assigned duty Magistrate Judge for the Eastern District of California.

IT IS SO ORDERED.

DATED: September 30, 2022

/s/ DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE